

I certify that the attached is a true and
correct copy of HB 32, which
was filed of record on FILED
and referred to the committee on

State Affairs

[Signature]

Chief Clerk of the House

1989 JAN 26 PM 1:19
1988
HOUSE OF REPRESENTATIVES

FILED DEC 20 1988

By *[Signature]*

H J.R. No. 32

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the legislature to
2 permit and regulate raffles conducted by certain nonprofit
3 organizations for charitable purposes.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Section 47, of the Texas
6 Constitution is amended by amending Subsection (a) and adding
7 Subsection (d) to read as follows:

8 (a) The Legislature shall pass laws prohibiting lotteries
9 and gift enterprises in this State other than those authorized by
10 Subsections (b) and (d) of this section.

11 (d) The Legislature by general law may permit charitable and
12 other nonprofit organizations to conduct raffles for charitable
13 purposes under the terms and conditions imposed by general law.

14 SECTION 2. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 7, 1989.
16 The ballot shall be printed to provide for voting for or against
17 the proposition: "The constitutional amendment authorizing the
18 legislature to permit and regulate raffles conducted by certain
19 nonprofit organizations for charitable purposes."

HOUSE COMMITTEE REPORT

1st Printing

HOUSE OF REPRESENTATIVES
69 APR 11 AM 11:40

By Smith of Travis

H.J.R. No. 32

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18 legislature to permit and regulate raffles conducted by certain
19 nonprofit organizations for charitable purposes."

COMMITTEE REPORT

4-3-89

(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred HJR 32 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

☒ do pass, without amendment.

☐ do pass, with amendment(s).

☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

A criminal justice policy impact statement was prepared. ☐ yes ☒ no

A water development policy impact statement was requested. ☐ yes ☒ no

☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ☐ Local, ☐ Consent, or ☐ Resolutions Calendar.

This measure ☐ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			<input checked="" type="checkbox"/>	
Guerrero, V.C.	<input checked="" type="checkbox"/>			
Tallas, C.B.O.	<input checked="" type="checkbox"/>			
Cain	<input checked="" type="checkbox"/>			
Gibson	<input checked="" type="checkbox"/>			
Harrison	<input checked="" type="checkbox"/>			
Hilbert	<input checked="" type="checkbox"/>			
Hury	<input checked="" type="checkbox"/>			
Jones		<input checked="" type="checkbox"/>		
Oakley	<input checked="" type="checkbox"/>			
Perez	<input checked="" type="checkbox"/>			
Saunders			<input checked="" type="checkbox"/>	
Smith, T.	<input checked="" type="checkbox"/>			

Total

10 aye

1 nay

2 present, not voting

0 absent

CHAIRMAN

COMMITTEE COORDINATOR

By: T. Smith

BILL ANALYSIS

Background

Article III, Sec. 47, Texas Constitution, requires the legislature to pass laws prohibiting lotteries and gift enterprises. H.J.R. 32 would authorize the Legislature to permit certain charitable organizations to conduct raffles.

Purpose

To confer upon the legislature the authority to permit certain raffles.

Synopsis

Allows the Legislature, by general law, to permit charitable and other non-profit organizations to conduct raffles for charitable purposes under the terms and conditions imposed by general law.

Rulemaking Authority

It is the opinion of the committee that this bill delegates no rulemaking power to any state agency, officer department or institution.

Summary of Committee Action

Pursuant to notice posted in accordance with the rules of the House, the committee considered H.J.R. 32 in a public hearing on March 13, 1989. At that time the Chair directed the following persons be shown in favor of the measure: G.K. Sprinkle, Texas Council on Family Violence; Dennis Borel, State Firemen's and Fire Marshall's Association; Lee F. Munati, San Blizario Vol. Fire Dept; and Rebecca Herron, Americal Lung Association. The following persons testified against HJR32: Sue Cox, Texas Who Care; Weston Ware, Texas Baptist Christian Life Commission. The bill was left pending before the committee.

On April 3, 1989, in a public hearing pursuant to notice posted in accordance with the Rules of the House, the committee voted to report HJR 32 to the full House, without amendment and with the recommendation it do pass by a record vote of 10 ayes, 1 nay and 2 PNV.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 10, 1989

TO: Honorable James E. "Pete" Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Joint
Resolution No. 32
By: T. Smith

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 32 (proposing a constitutional amendment authorizing the legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to permit and regulate raffles conducted by charitable and other nonprofit organizations. The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

No fiscal implication to units of local government is anticipated.

Source: Secretary of State;
LBB Staff: JO, JWH, AL, PA

ADOPTED

MAY 11 1989

Betty Murray
Chief Clerk
House of Representatives

D. Hudson

FLOOR AMENDMENT NO. ①

BY _____

Amend H.J.R. 32 to read as follows:

(1) On page 1, lines 11 and 12, strike the words "and other" and substitute "raffles conducted by a qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified".

(2) On page 1, lines 12 and 13, strike the words "to conduct raffles for charitable purposes".

(3) On page 1, between lines 13 and 14, insert the following:

INSERT B.P.P. "The law must also require that: (1) all proceeds from the sale of tickets for the raffle must be spent for the charitable purposes of the organizations; and

B.P.P. (2) the charitable raffle is conducted, promoted, and administered *exclusively* by members of the qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organization.

HOUSE ENGROSSMENT

COMMITTEE REPORT

By Smith of Travis

H.J.R. No. 32

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Section 47, of the Texas Constitution is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The Legislature shall pass laws prohibiting lotteries and gift enterprises in this State other than those authorized by Subsections (b) and (d) of this section.

(d) The Legislature by general law may permit charitable raffles conducted by a qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organizations under the terms and conditions imposed by general law.

The law must also require that:

(1) all proceeds from the sale of tickets for the raffle must be spent for the charitable purposes of the organizations; and

(2) the charitable raffle is conducted, promoted, and administered exclusively by members of the qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organization.

SECTION 2. This proposed constitutional amendment shall be

H.J.R. No. 32

1 submitted to the voters at an election to be held November 7, 1989.
2 The ballot shall be printed to provide for voting for or against
3 the proposition: "The constitutional amendment authorizing the
4 legislature to permit and regulate raffles conducted by certain
5 nonprofit organizations for charitable purposes."

LEGISLATIVE BUDGET BOARD

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Committee on State Affairs
House of Representatives
Austin, Texas

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By: T. Smith

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 32 (proposing a constitutional amendment authorizing the legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to permit and regulate raffles conducted by charitable and other nonprofit organizations. The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

No fiscal implication to units of local government is anticipated.

Source: Secretary of State;
LBB Staff: JO, JWH, AL, PA

By: Smith of Travis (Senate Sponsor - Ratliff) H.J.R. No. 32
(In the Senate - Received from the House May 12, 1989;
May 15, 1989, read first time and referred to Committee on State
Affairs; May 26, 1989, reported favorably by the following vote:
Yeas 7, Nays 3; May 26, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Montford	x			
Henderson	x			
Armbrister	x			
Caperton				x
Edwards		x		
Glasgow	x			
Green		x		
Harris	x			
Leedom		x		
Lyon				x
McFarland	x			
Parmer				x
Washington	x			

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volunteer fire department, qualified volunteer emergency medical
service, or qualified nonprofit organizations under the terms and
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raffle must be spent for the charitable purposes of the
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administered exclusively by members of the qualified religious
society, qualified volunteer fire department, qualified volunteer
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submitted to the voters at an election to be held November 7, 1989.
The ballot shall be printed to provide for voting for or against
the proposition: "The constitutional amendment authorizing the
legislature to permit and regulate raffles conducted by certain
nonprofit organizations for charitable purposes."

* * * * *

Austin, Texas
May 26, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred H.J.R.
No. 32, have had the same under consideration, and I am instructed
to report it back to the Senate with the recommendation that it do
pass and be printed.

Montford, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 20, 1989

TO: Honorable John T. Montford, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: House Joint Resolution
No. 32, as engrossed
By: T. Smith

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 32, as engrossed (proposing a constitutional amendment authorizing the legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would authorize the Legislature to permit and regulate raffles conducted by charitable and other nonprofit organizations. The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

No fiscal implication to units of local government is anticipated.

Source: Secretary of State;
LBB Staff: JO, JWH, AL, CKM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 10, 1989

TO: Honorable James E. "Pete" Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Joint
Resolution No. 32
By: T. Smith

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 32 (proposing a constitutional amendment authorizing the legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes) this office has determined the following:

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Source: Secretary of State;
LBB Staff: JO, JWH, AL, PA

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

MAY 25 1989 - 5:23 pm
(date)/(time)

Sir:

We, your Committee on STATE AFFAIRS to which was referred
HJR 32 by T. SMITH have on 5-25, 19 89 had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☐ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure RATLIFF

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Montford, Chairman	<input checked="" type="checkbox"/>			
Henderson, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Caperton				<input checked="" type="checkbox"/>
Edwards		<input checked="" type="checkbox"/>		
Glasgow	<input checked="" type="checkbox"/>			
Green		<input checked="" type="checkbox"/>		
Harris	<input checked="" type="checkbox"/>			
Leedom		<input checked="" type="checkbox"/>		
Lyon				<input checked="" type="checkbox"/>
McFarland	<input checked="" type="checkbox"/>			
Parmer				<input checked="" type="checkbox"/>
Washington	<input checked="" type="checkbox"/>			
TOTAL VOTES	7	3	0	3

Morris Wicker
COMMITTEE CLERK

Montford
CHAIRMAN

TAG FORM

RECEIVED
SECRETARY OF SENATE

89 MAY 24 PM 2:12

Austin, Texas

5/24/89
Date

To the Chairman of the Committee on State Affairs:

Pursuant to Senate Rule 11.20, I hereby request 48 hours advance notice in writing of the time and place of the hearing on B. No. 32.
HJT

Joe Green

Give the original of this form to Calendar Clerk for placement on the bill, give one copy to the Secretary of the Senate's office, and one copy to the Chairman of the committee to which the bill was referred.

F
ENROLLED

H.J.R. No. 32

A JOINT RESOLUTION

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13 volunteer fire department, qualified volunteer emergency medical
14 service, or qualified nonprofit organizations under the terms and
15 conditions imposed by general law.

16 The law must also require that:

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18 raffle must be spent for the charitable purposes of the
19 organizations; and

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H.J.R. No. 32

President of the Senate

Speaker of the House

I certify that H.J.R. No. 32 was passed by the House on May 11, 1989, by the following vote: Yeas 105, Nays 33, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 32 was passed by the Senate on May 27, 1989, by the following vote: Yeas 24, Nays 4.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 32[✓] was passed by the House on
(1)

May 11[✓], 1989, by the following vote:
(2)

Yeas 105[✓], Nays 33[✓], 1 present, not voting[✓]
(3) (4)

Chief Clerk of the House

I certify that H.J.R. No. 32[✓] was passed by the Senate on

May 27[✓], 1989, by the following vote:
(5)

Yeas 24[✓], Nays 4[✓]
(6) (7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: 'A;CT47;

32T. D. Hunt

HOUSE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to permit and regulate raffles conducted by certain nonprofit organizations for charitable purposes.

DEC 20 1988

1. Filed with the Chief Clerk.

JAN 26 1989

2. Read first time and referred to Committee on

State AffairsAPR 3 19893. Reported ☒ favorably ^(as amended) ~~(as substituted)~~ and sent to Printer at7:30pmAPR 10 1989APR 11 1989

4. Printed and distributed at

11:52 amAPR 11 1989

5. Sent to Committee on Calendars at

3:30 pmMAY 11 19896. Read second time (amended) and (finally) passed ~~to Third Reading~~ by a Record Vote of 105 yeas, 33 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 11 1989

11. Ordered Engrossed at

12:15 pmMAY 11 1989

12. Engrossed.

MAY 11 1989

13. Returned to Chief Clerk at

7:41 aMAY 12 1989

14. Sent to the Senate.

Betty Murrey
Chief Clerk of the House

MAY 12 1989

15. Received from the House

MAY 15 1989

16. Read, referred to Committee on

STATE AFFAIRSMAY 26 1989

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 27 1989

20. Regular order of business suspended by

unanimous
(a viva voce vote.) Consent
(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 27 1989

22. Read second time

passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

MAY 27 1989 24. Senate and Constitutional 3-Day Rules suspended by vote of 24 yeas,
4 nays to place bill on third reading and final passage.

MAY 27 1989 25. Read third time and passed by
(a viva voce vote.)
(24 yeas, 4 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

5-27-89 26. Returned to the House.

* MAY 27 1989 27. Received from the Senate (~~With amendments~~)
(~~or substituted~~)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 27 1989 31. Ordered Enrolled at 12:50pm

RECEIVED
68-11.3 11 12766